

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUAN CAMPOS BONILLA, MANUEL
GONZALES HERNANDEZ, MANUEL
DUTAN QUIROGA, and GABRIEL PENA,
*individually and on behalf of others similarly
situated*, and GERARDO PEREZ ESCOBAR,

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG - 7 2019 ★

BROOKLYN OFFICE

Plaintiff,

-against-

MITSIS BAKERY CORP. (d/b/a HOT TASTY
BAKERY), XIAO YUE (a.k.a. JENNIFER
YUE), JAY SESSLER, MIKE
ZARMAKOUPIS, and Z&X BAKERY CORP.
(d/b/a HOT TASTY BAKERY),

NOT FOR PUBLICATION
ORDER
18-cv-453 (CBA) (LB)

Defendants.

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AMON, United States District Judge:

Plaintiffs Juan Campos Bonilla, Manuel Gonzales Hernandez, Manuel Dutan Quiroga, and Gabriel Pena, individually and on behalf of others similarly situated, and Gerardo Perez Escobar bring this action against Mitsis Bakery Corp. (d/b/a Hot Tasty Bakery), Xiao Yue (a.k.a. Jennifer Yue), Jay Sessler, Mike Zarmakoupis, and Z&X Bakery Corp. (d/b/a Hot Tasty Bakery) to recover unpaid overtime wages pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 *et seq.*, for violations of New York Labor Law §§ 190 *et seq.* and 650 *et seq.*, and for violations of the spread of hours and overtime wage orders of the New York Commissioner of Labor codified at N.Y. COMP. CODES R. & REGS. Tit. 12, § 146-1.6. In May of 2019, the parties informed the Court that they had reached a settlement, and the Court referred review of the proposed settlement agreement to the Honorable Ramon Reyes, U.S. Magistrate Judge, under Cheeks v. Freeport Pancake House, 796 F.3d 199, 206 (2d Cir. 2015). Magistrate Judge Reyes submitted a Report

and Recommendation (“R&R”) recommending that the Court approve the settlement. (D.E. dated 7/18/2019.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted). The Court has reviewed the record and, finding no clear error, adopts the R&R as the opinion of the Court.

The Court finds the settlement agreement to be fair and reasonable, and approves the settlement agreement.

SO ORDERED.

Dated: August 6, 2019
Brooklyn, New York

s/C^o Carol Bagley Amon
Carol Bagley Amon
United States District Judge